



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1011 of 2021

and

C.M.P.(MD)No.5838 of 2021

U.Viswanathan

...Petitioner

Vs.

- 1.D.Dhanalakshmi
- 2.Amutharani
- 3.Kesavamurthy
- 4.Shankar Anand
- 5.K.Sampathkumar
- 6.K.Bavya
- 7.R.Vijayakumar
- 8.N.Panneerselvam
- 9.K.Arivanandhan

10.The Special Tahsildar,
Land Acquisition (Thanjavur Vikravandi),
Opp to Municipal Corporation,
Gandhiji Road,
Thanjavur.

11.The Special District Revenue Officer,
National High Way 45 C,
Land Acquisition,
(Vikravandi – Kumbakonam – Thanjavur – Thiruvarur).

...Respondents



PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 29.01.2021 passed by the I Additional District and Sessions Judge (P.C.R.), Thanjavur in I.A.No.3 of 2020 in O.S.No.62 of 2017.

For Petitioner : Mr.P.Sesubalan Raja
For Respondents 1 & 2 : Mr.P.Vadivel
For Respondent No.8 : Mr.C.Padmaraj
For Respondents 7 & 9 : No appearance
For Respondents 10 & 11 : Mr.B.Saravanan

ORDER

This petition has been filed seeking to set aside the order dated 29.01.2021 passed by the I Additional District and Sessions Judge (P.C.R.), Thanjavur in I.A.No.3 of 2020 in O.S.No.62 of 2017.

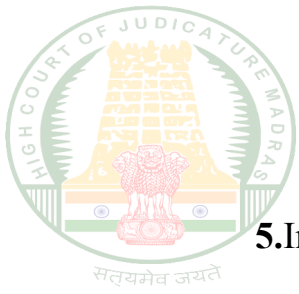
2.Learned Counsel for the petitioner would submit that the first and second respondents are plaintiffs in the suit. The first and second plaintiffs filed a suit for partition as against the petitioner and remaining respondents and the portion of the suit schedule property was acquired by the Government under the National Highways Act, 1956, in which the first and second respondents / plaintiffs filed I.A.No.03 of 2020, for impleading the Special Tahsildar as well



as the Special District Revenue Officer as one of the parties and the same was allowed. Challenging the same, the petitioner has filed the present Civil Revision Petition.

3.The grievance of the petitioner is that he may be deprived of the right to get back the award. Learned Counsel for the petitioner submits that Sections 3H(3) of the 'National Highways Act, 1956' [hereinafter referred to as 'the Act' for clarity], makes it clear that when several persons claim to be interested in the amount deposited under Section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them. Similarly, Section 3H(4) makes it clear that if any dispute arises as to the apportionment of the amount or any part thereof of any person to whom the same or any amount or any part thereof is payable, the competent authority shall refer the dispute to the decision of the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated. Hence, he prays for a direction to the National Highways department to deposit the entire award amount in the credit of O.S.No.62 of 2017. Thereafter, the trial Court may dispose the amount to the eligible legal heirs.

4.The said submission of the learned Counsel for the petitioner was not objected by the respondents.



5. In view of the above, the Civil Revision Petition stands allowed in the

following terms:

“The impleadment of 10th and 11th respondents is unwarranted and hence, the impugned order is set aside. However, the 10th and 11th respondents are directed to deposit the entire award amount in O.S.No.62 of 2017, within a period of eight [8] weeks from the date of receipt of a copy of this order. On receipt of the same, the learned I Additional District Judge is directed to deposit the amount in a nationalised bank in an interest bearing deposit. Liberty is granted to the petitioner and respondents and if they are aggrieved by the award passed, they shall prefer appeal for enhancement of compensation.”

There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

11.06.2025

Internet: Yes/No

Index: Yes/No

MR



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C.R.P.(MD)No.1011 of 2



To

- 1.The Additional District and Sessions Judge (P.C.R.),
Thanjavur.
- 2.The Special Tahsildar,
Land Acquisition (Thanjavur Vikravandi),
Opp to Municipal Corporation,
Gandhiji Road,
Thanjavur.
- 3.The Special District Revenue Officer,
National High Way 45 C,
Land Acquisition,
(Vikravandi – Kumbakonam – Thanjavur – Thiruvarur).
- 4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.1011 of 2



M.DHANDAPANI, J.

MR

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